

MORRISON & FOERSTER LLP

ATTORNEYS AT LAW

SAN FRANCISCO
LOS ANGELES
SACRAMENTO
ORANGE COUNTY
PALO ALTO
WALNUT CREEK
DENVER

2000 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20006-1888
TELEPHONE (202) 887-1500
TELEFACSIMILE (202) 887-0763

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Writer's Direct Contact

(202) 887-8743

FKrogh@mofo.com

EX PARTE FILING

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, DC 20554

Re: ONE CALL COMMUNICATIONS, INC. d/b/a OPTICOM
Petition for Waiver of PIC Change Authorization and
Verification Requirements, 47 C.F.R. Sections 64.1100-
64.1190, CC Docket No. 94-129

Dear Ms. Salas:

One Call Communications, Inc. d/b/a Opticom ("One Call"), hereby replies to the *ex parte* letter filed by BellSouth¹ in support of Bell Atlantic's opposition to One Call's request for a waiver of the Commission's primary interexchange carrier ("PIC") change authorization and verification requirements ("PIC Change Rules").² In its Petition for Emergency Waiver and Request for Expedited Treatment ("Petition"), One Call sought a waiver of those requirements in order to allow the customers of Cleartel Communications, Inc. ("Cleartel") to enjoy uninterrupted service following the transfer of Cleartel's customer contracts to One Call pursuant to a Purchase Agreement and Agreement of Merger.

In its opposition, Bell Atlantic focused on an unrelated payphone compensation dispute with One Call in an effort to depict One Call as having "unclean hands" and

¹ Letter from Gail F. Barber, BellSouth Public Communications, Inc., and M. Robert Sutherland and Angela N. Brown, BellSouth Corporation, to Magalie Roman Salas, Secretary, FCC, dated March 15, 2000.

² 47 C.F.R. §§ 64.1100 - 64.1190 ("PIC Change Rules").

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therefore being undeserving of waiver relief. In its reply, One Call explained that Bell Atlantic's arguments are both factually incorrect and irrelevant to One Call's Petition. Now, BellSouth similarly complains that One Call has not paid payphone compensation on long distance calls made from BellSouth payphones that are routed to One Call. Like Bell Atlantic, BellSouth alleges that although it has tried to resolve this dispute, One Call has thus far refused.

BellSouth's objection is as invalid as Bell Atlantic's opposition and should be rejected for the same reasons. As BellSouth well knows, but failed to mention in its filing, One Call disputes BellSouth's arbitrary criterion for determining whether a call from a BellSouth payphone is completed, namely, the assumption that every call that lasts at least 25 seconds has been completed. One Call's records show that many of the calls it carries as the "0+" PIC at local exchange carrier ("LEC") payphones take over one minute to set up and complete and that significantly less than half of all of its 0+ long distance calls from payphones -- which include collect calls -- are actually completed. The amount that BellSouth claims is due and owing thus is based on a much higher completion rate than is actually the case with One Call's 0+ calls and accordingly vastly overstates the actual compensation owed by One Call.³

Thus far, BellSouth has not been willing to discuss the call completion rate issue in a reasonable fashion. If it were willing to have such discussions and to authorize technically knowledgeable personnel to participate, this dispute could be resolved in short order.

Moreover, such parochial, technical disputes have no place in the Commission's review of an unrelated waiver request affecting tens of thousands of residential and business telephone subscribers nationwide. There is no more logical nexus between One Call's request and BellSouth's claim than there was between One Call's request and Bell Atlantic's claim or would be between such a waiver request and any other claim that One Call had not paid some alleged debt.

Like Bell Atlantic, BellSouth demands that the waiver be denied *in toto*, even though most of the Cleartel customers being transferred to One Call are residential and business "1+" presubscribed customers, which have nothing to do with the relatively small number of payphones involved in the waiver. BellSouth would have the Commission potentially disrupt the long distance service of all of the residential and

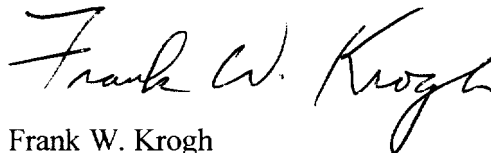
³ It should be noted that such disputes are common. *See, e.g., Flying J Files Petition for Declaratory Ruling*, CCB/CPD No. 00-04, DA 00-567 (released March 14, 2000). Indeed, BellSouth must have so many similar problems with other operator service providers that it cannot keep them all straight. The August 19, 1999 letter attached to BellSouth's filing that BellSouth describes as a letter to One Call is actually a letter to another entity unknown to One Call.

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business customers nationwide in order to provide BellSouth some leverage as to its payphones. That is hardly the type of public interest calculus that should defeat a waiver request. Accordingly, BellSouth has shown no reason why its irrelevant claim should play any role in the Commission's review of a request to waive the PIC Change Rules. As BellSouth has demonstrated, by requesting Accelerated Docket treatment for its draft payphone compensation complaint against One Call, there are more appropriate fora in which to raise such claims.

Pursuant to the Commission's Rules, an original and one copy of this letter are being filed in the above-referenced docket. Please direct any questions or concerns to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, reading "Frank W. Krogh". The signature is written in a cursive, flowing style.

Frank W. Krogh

Counsel for One Call Communications,
Inc.

cc: Frank G. Lamancusa
William Cox
Colleen Heitkamp
Kathleen Schroder
Anita Cheng